

January 29, 2003

Ms. Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

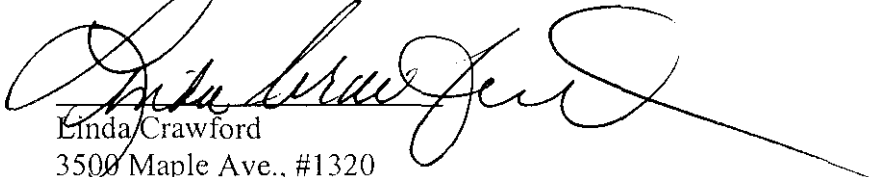
DOCKET FILE COPY ORIGINAL

Re: Petition for Rule Making  
Smiley, Texas MB Docket No. 02-248  
Response to Motion to Strike Late-Filed "Reply"

Dear Ms. Dortch:

Enclosed is an original and four (4) copies of my "Response to Motion to Strike Late-Filed Reply" for Smiley, Texas.

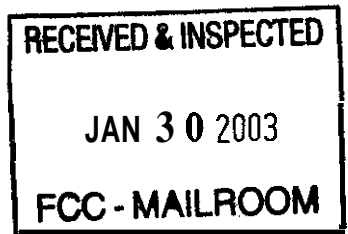
Respectfully submitted,

  
Linda Crawford  
3500 Maple Ave., #1320  
Dallas, Texas 75219  
(214) 587-0668 Tele

A handwritten signature in cursive script, appearing to read "Linda Crawford", is written over the printed name and address. A long horizontal line extends from the end of the signature across the address block.

No. of Copies rec'd 024  
List ABCDE

Smiley MotionD



Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of 73.202 (b)	)	MB Docket No. 02-248
Table of Allotments	)	RM-10537
FM Broadcast Stations	)	
(Smiley, Texas)	)	

To: John Karousos, Assistant Chief  
Audio Division of the  
Media Bureau

**RESPONSE TO MOTION TO STRIKE LATE-FILED REPLY**

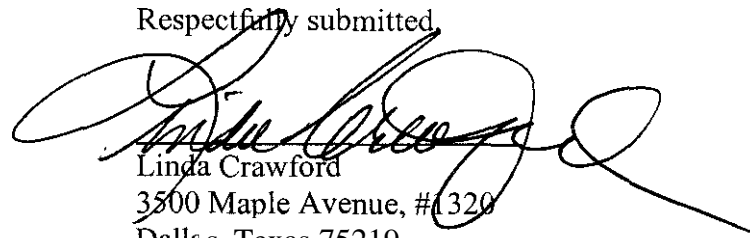
I, Linda Crawford, hereby Respond to the “Motion to Strike Late-Filed Reply” submitted by New Ulm Broadcasting Company in the above-captioned proceeding.

The earlier pleadings filed by New Ulm Broadcasting Company, while alluding to the existence of a “white area”, did not contain any detailed statement supporting such a claim. My Reply was based on a published depiction of coverage patterns using FCC engineering data, a copy of which was submitted with the Reply including a description of how the coverage patterns are calculated. In response, for the first time, New Ulm Broadcasting Company has provided a detailed statement in support of its claim. If the Commission concludes that the existence of a white (or gray) area has been established, I concur that such service outweighs the 307(b) attributes of my petition to allot a channel to Smiley, Texas. If the Commission concludes that the existence of a white (or gray) area has not been established, then I stand on my petition as the preferable 307(b) choice. However, in order to consider these issues, New Ulm must first achieve certain technical

standards. The New Ulm counterproposal was fatally flawed when filed as a result of the short spacing with KKLBB.<sup>1</sup> Furthermore, the Commission has held that it will not allow rulemaking participants to perfect their proposals after the comment date to the prejudice of another party.<sup>2</sup>

The factual information provided in this "RESPONSE TO MOTION TO STRIKE LATE-FILED REPLY" is correct and true to the best of my knowledge.

Respectfully submitted,



Linda Crawford  
3500 Maple Avenue, #1320  
Dallas, Texas 75219  
(214) 587-0668

cc: Gene A. Bechtel, Law Office of Gene Bechtel, suite 600, 1050 17<sup>th</sup> Street, N.W., Washington, D.C. 20036, telephone (202) 496-1289, telecopier (301) 762-0156, attorney for the Petitioner. It is requested that the Commission and any parties who may file pleadings in the captioned matter serve copies to Mr. Bechtel as well as the Petitioner.

January 29, 2003

---

<sup>1</sup> See Broken Arrow and Bixby, Oklahoma, Coffeyville, Kansas, 3 FCC Rcd 6507 (MM Bur. 1988)

<sup>2</sup> See Santa Margarita and Guadalupe, California, 4 FCC Rcd 7887 (MM Bur. 1989)

## **CERTIFICATE OF SERVICE**

I, Linda Crawford, hereby certify that on this 29<sup>th</sup> day of January, 2003, I caused copies of the foregoing "RESPONSE TO MOTION TO STRIKE LATE-FILED REPLY" to be placed in the U.S. Postal Service, first class postage prepaid, addressed to the following persons:

John Karousos, Assistant Chief  
Audio Division of the Media Bureau  
Federal Communications Commission  
Portals II, Room 3-A266  
445 12<sup>th</sup> Street SW  
Washington, D.C. 20554

R. Barthen Gorman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 3-A224  
Washington, D.C. 20554

Gene Bechtel, Esq.  
Law Offices of Gene Bechtel, P.C.  
1050 17<sup>th</sup> Street, N.W., Suite 600  
Washington, D.C. 20036-5517  
(Counsel for Petitioner)

Robert J. Buenzle  
Law Offices of Robert J. Buenzle  
11710 Plaza America Drive, Suite 2000  
Reston, Virginia 20190  
(Counsel for New Ulm Broadcasting Company)

Victoria Radio Works Ltd.  
Radio Station KVIC  
8023 Vantage Dr., Suite 840  
San Antonio, Texas 78230

Pacific Broadcasting of Missouri, LLC  
Radio Station KTKY  
7755 Carondelet, Avenue  
Clayton, Missouri 63105

David P. Garland  
1110 Hackney Street  
Houston, Texas 77023

Maurice Salsa  
5616 Evergreen Valley Drive  
Kingwood, TX 77345

Bryan A. King  
BK Radio  
1809 Lightsey Road  
Austin, Texas 78704

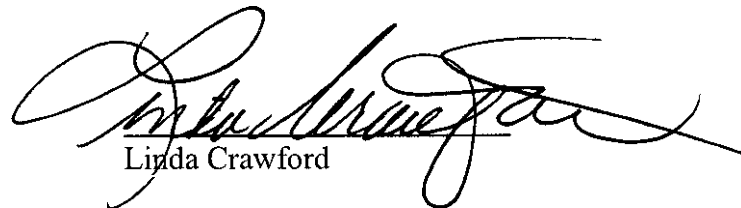
Matthew L. Liebowitz, Esq.  
Liebowitz & Associates, P.A.  
One SE Third Avenue, Suite 1450  
Miami, Florida 33131  
(Counsel for Next Media Licensing)

Gregory L. Masters, Esq.  
Wiley, Rein & Fielding  
1776 K Street, N.W.  
Washington, D.C. 20006  
(Counsel for Capstar Texas LP)

Mark N. Lipp, Esq.  
J. Thomas Nolan, Esq.  
Shook, Hardy & Bacon, L.L.P.  
600 14<sup>th</sup> Street, N.W., Suite 800  
Washington, D.C. 20005  
(Counsel for Joint Petitioners)

Harry F. Cole, Esq.  
Lee G. Petro, Esq.  
Fletcher, Heald Hildreth, P.L.C.  
1300 North 17<sup>th</sup> Street, 11<sup>th</sup> Floor  
Arlington, Virginia 22209  
(Counsel for Smiley Broadcast Interest)

Gregg P. Skall, Esq.  
Patricia M. Chuh, Esq.  
Womble Carlyle Sandridge & Rice, PLLC  
1401 Eye Street, 7<sup>th</sup> Floor  
Washington, D.C. 20005  
(Counsel for LBR Enterprises, Inc.)



Linda Crawford

MotionReplyOppositione